

### REMARKS

Restriction. Examiner has required restriction under 35 USC 121. Applicant confirms telephone conversation on October 28, 2005 in which Applicant elected without traverse independent claims 1, 14, 20 and 37 and the respective dependent claims. Applicant has withdrawn claims 23 - 36 from further examination in this application, but reserves the right to file a divisional application.

Rejections under 35 USC 112. Examiner has rejected claims 52, 8, 9, 10, and 37 for insufficient antecedent basis. These claims have been amended to correct these issues.

Rejections under 35 USC 102e. Examiner has rejected independent claim 1 and subsequent dependent claims 6, 8-10, 12 and 13 under 35 USC 102e as anticipated by Rasmussen. Applicant has amended claim 1 to more clearly distinguish the subject invention. Rasmussen teaches "a non-alarm signal (a so-called "alive & well" message)" in paragraph 0025, last two lines. Please note the singular tense. In order to keep intruders from deceiving the signal receiver with a false alive & well message, Rasmussen teaches the use of encryption in paragraphs 0026 and 0028 and air-borne radio frequency transmission. However, monitoring the same, identical, underlying, alive & well message encrypted by any means is the code-breakers dream come true. As is well known, one of the primary basis for code -breaking is looking for the same underlying character used repeatedly. Rasmussen teaches sending the same single underlying message every time, making the code breaking very easy. In fact, the code does not even need to be broken by an intruder. The procedure is as follows: First, using a computer, record the sequence of encrypted messages from the chip including the timing between each message. Second, wait until a recorded message is repeated. Third, destroy the chip and begin playing the previously recorded sequence, beginning with the timing and next sequential message after the repeated message. The receiver will never know the difference and will continue to believe the chip is alive & well. Generally speaking, the invention taught by Rasmussen is easily deceived and does not effectively maintain the integrity of the communication link.

Applicant amended claim 1 more clearly points out the necessity for the transmitter to transmit different messages in a prearranged secret sequence that is known only to the transmitter and receiver, the receiver receiving the transmission, and comparing the received message sequence to the correct secret sequence, and taking the appropriate action. Without knowing the secret sequence, it is impossible for an intruder to deceive the receiver. The prearranged secret sequence could be on two identical computer media with the first set at the transmitter and the second set at the receiver.

Examiner has rejected claim 14. Claim 14 is canceled.

Examiner has rejected claim 20. Claim 20 is canceled.

Examiner has rejected independent claim 37 and subsequent dependent claims 42, 44-46, and 48 under 35 USC 102e as being anticipated by Rasmussen. The same arguments as shown above regarding the Rasmussen reference apply. Applicant has amended claim 37 to more clearly distinguish the subject invention. In claim 37, the stimulus message is transmitted from the second location, a reply message having a secret relationship to the stimulus message is transmitted from the first location, the received reply message is compared to the correct secret reply message and the appropriate action taken. Rasmussen does not teach an information exchange initiated by the receiver or the capability of his chip to receive signals.

Rejection under 35 USC 103. Examiner has rejected under 35 USC 103 as unpatentable over Rasmussen, in view of another, dependent claims 2,3, 4,7, 5, 11, 15,16,17,18,19, 21,22, 38, 39, 40, 43, 41, 47, 49-51. Applicant submits that the amendments to the two remaining independent claims, 1 and 37, that overcome the Rasmussen reference, make the above dependent claims now patentable.

Appl. No. 10/780,965

Amdt. Dated: Feb. 14, 2006

Amdt. B

Applicant submits that the amended application is in condition for allowance with the presently pending claims, and Applicant respectfully requests that the Examiner reexamine and reconsider the amended application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Roger A. Powell", followed by a comma and the word "Applicant" written in a similar cursive style.

Roger A. Powell

215/736-2424

2/15/06